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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/786,102

02/28/2001

Aalbert Stek

PHN 17,534

8503

24737

7590

03/22/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

ABRAHAM, ESAW T

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,102

Applicant(s)

STEK ET AL.

Examiner

Esaw T. Abraham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>03/08/06</u> |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/28/01</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election / Restriction

Restriction to one of the following invention is required under 35 U.S.C. 121

- I. Claims 1-7, drawn to a device for scanning an information carrier, which information carrier carries identification information and user information, the identification information being spread over the information carrier and the information including data and parities, which device includes read means for reading the information present on the information carrier, the device including error correction means for the correction of errors in the information, characterized in that the device further includes organization means for the organization of the information in such a manner that both the identification information and the user information can be processed by the error correction means classified in 714/746.
- II. Claims 8-10, drawn to a method of manufacturing an information carrier, the method comprising the following steps receiving identification information, calculating parities on the basis of the identification information, adding the parities to the identification information, outputting the identification information and parities, providing the information carrier with the identification information and parities, characterized in that the identification information is arranged so as to spread over the information carrier classified in 714/800.

The invention are distinct, each from the other because of the following reasons:

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Invention Group I and group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instance case, invention Group I has separate utility separate utility such as a device for scanning an information carrier, which information carrier carries identification information and user information (7, 8), the identification information being spread over the information carrier and the information including data and parities, which device includes read means for reading the information present on the

information carrier, the device including error correction means for the correction of errors in the information, characterized in that the device further includes organization means for the organization of the information in such a manner that both the identification information and the user information can be processed by the error correction. See MPEP 806.05(d).

In the instant case, the invention of Group II has separate utility such as a method of manufacturing an information carrier, the method comprising the following steps receiving identification information, calculating parities on the basis of the identification information, adding the parities to the identification information, outputting the identification information and parities, providing the information carrier with the identification information and parities, characterized in that the identification information is arranged so as to spread over the information carrier. See MPEP 806.05(d).

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Because these inventions are distinct for the reason given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reason given above and the reasons given above and search required for Group II is not for Group I, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reason given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Belk Michael on 08 March 2006 a provisional election was made with out traverse to prosecute the invention of Group I, claims 1-13 and 14.

Applicant in replying to this office action must make affirmation of the election. Claims 8-10 are withdrawn from further consideration by the examiner 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in

the specification. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

1. Claims **1-7** are presented for examination.
Claims **8-10** are withdrawn from examination.

STATUS OF CLAIM FOR PRIORITY IN THE APPLICATION

2. As required by M.P.E.P. 201.14(c), acknowledgement claim for priority based on _____
an application filed on 07/13/99 (Foreign Priority (EPO) 99202286.3)) is made of applicant's.

ACKNOWLEDGEMENT OF REFERENCES CITED BY APPLICANT

IDS

3. As required by M.P.E.P. 609(c), the applicant's submission of the Information Disclosure Statement dated 02/28/01 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by M.P.E.P. 609(c), a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

Drawings

4. The drawings (1-5) are objected to under 37 CFR 1.83(a) because the components or steps of the drawings are **not labeled** as described in the specification. A proposed drawing correction or corrected drawings to describe or designate with or as

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if with a label are required in reply to the Office action to avoid abandonment of the application.

Corrected drawings sheets in compliance with 37 CFR 1.121(d) are required in reply to the office action should include all the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be cancelled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheet may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header so as not to obstruct any portion of the drawing figures. If the changes are not acceptable by the examiner, the applicant will be notified and informed of any required corrective action in the next office action. The objection to the drawings will not be held in abeyance.

Specification

5. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

a) As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

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- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Abstract

b) The **abstract** of the disclosure is objected to because the abstract should be written in **one paragraph**.

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim objections

6. Claims **1-7** are objected to because of the following informalities:

Please remove the reference characters from the claims (1-7) in order to avoid confusion with other numbers or characters because the use of reference characters is to be considered as having no effect on the scope of the claims (see MPEP 601.01(m)).

Please change "which device includes" to ---which the device includes--- (see claim 1, lines 4).

Please change "the device including" to ---the device includes--- (see claim 1, lines 5).

Please change "for the organization of the information" to ---for organizing the information--- (see claim 1, lines 7).

Please change "for the correction of errors" to ---for correcting errors--- (see claim 1, lines 6).

Please change "A device as claimed" to ---the device as claimed--- (see line 1 of claims 2-7)

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U. S. C 112

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims **1 and 6** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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a) Claim 1 recites, the phrase "information **can be** processed" is indefinite (see claim 1, lines 8).

b) Claim 6 recites, "**adapted to**" collect the identification information (see claim 6, lines 4). The recited claim language is indefinite since it is not clear that the language limits the claimed scope. Languages that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere CO.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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8. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman (U.S. PN: 6,353,890).

As per claim 1:

Newman in figure 5 teaches or discloses an arrangement for retrieving information from a record carrier (1) and processing the information. The arrangement comprises a reading unit for reading the bit sequence from the record carrier (1). The read unit (read means) comprises a read head (41) for scanning the track and generating a read signal corresponding to the physical marks on the record carrier, and a translating unit (42) (organization means) for organizing and translating the read signal into the bit sequence, e.g. an EFM decoder for decoding in a CD system. The bit sequence is coupled to an error correcting unit (43) (error correction means) for recovering the information and correcting possible errors, e.g. the CIRC corrector in a CD system and the recovered information is coupled to access control means (47) for controlling the access to the information. Further, Newman in FIG. 1 teaches a disc-shaped record carrier (1) Whereby the record carrier comprises a track (9) for storing information, which the track (9) comprises marks (information identification) and is scannable by a read head for reading the stored information (see col. 4, 17-45). Furthermore, Newman teaches information on the record carrier (1) comprises main information (user information) and access control information for controlling the access to the main information, so as to prevent access to main information (see col. 4, lines 46-51). Although, Newman **does not explicitly** teach the information carrier includes parities (error detection), Newman teaches a method for detecting access control

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information on a record carrier is characterized in that the method comprises the steps of selecting at least one error location, but not all error locations, which error locations should have a logical error according to the error pattern, and verifying the presence of an error by reading the selected error locations (col. 2, lines 19-26) which Newman is basically teaching a general method for detecting errors (parity, CRC etc...) as the applicant's invention. **Therefore**, it would have been obvious to a person having an ordinary skill in the art at the time the invention was made to employ a method for detecting errors as taught by Newman. ~~This modification would have been obvious~~ because a person having ordinary skill in the art would have been motivated to do so because detecting errors during reading and writing data to/from a storage device results in reducing the number of bit error in the received signal.

As per claims 2 and 5:

Claims 2 and 5 are at least rejected for their dependencies, directly or indirectly, on the rejected claims 1 above. It is therefore rejected as set forth above. In addition, Newman teaches a system for copy protecting record carriers, which does not rely on variations of physical parameters, while the making of usable copies on writable information carriers is counteracted (see col. 1, last paragraph).

As per claims 3, 6 and 7:

Claims 3 and 6 are at least rejected for their dependencies directly or indirectly, on the rejected claims 1 above. It is therefore rejected as set forth above. In addition, Newman in figure 2 teaches a logical map of the recording area of a copy protected

record carrier and the recording area are subdivided in addressable sectors from the top at address 00 up to address MAX.

As per claim 4:

Claim 4 are at least rejected for its dependency, directly or indirectly, on the rejected claims 1 above. It is therefore rejected as set forth above. In addition Newman in FIG. 4 shows a bit error pattern for the CIRC error correcting rules as described with FIG. 3 and the bit errors are designed to accumulate (add) in the C1 error words as well as in the C2 error words, in both cases to errors (see col. 8, lines 51-58).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US PN: 6,081,651 Kim Jong Nam

US PN: 6,216,201 Ado et al.

US PN: 6,115,227 Jones et al.

US PN: 5,995,460 Takagi et al.

Status of Claims in the Application

The following is a summary of the treatment and status of all claims in the application as recommended by M.P.E.P. 707.07(i):

Claims rejected in the Application

Per the instant office action, claims 1-7 have received a first action on the merits

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and are subject of a **first action non-final**.

Direction of Future Correspondences

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Esaw Abraham whose telephone number is (571) 272-3812. The examiner can normally be reached on M-F 8-5.

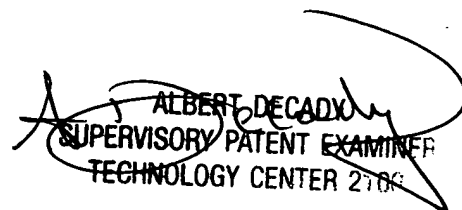
Important Note

If attempts to reach the examiner by telephone are successful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for after final communications.

Information regarding the status of an Application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Esaw Abraham

Art unit: 2133


ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100